

Department of Justice Announces Expansion of Criminal Nuisance Property Abatement Program

DOJ Works With Local Law Enforcement to Address 38 Properties That Are Focal Points for Drug Activity and Violent Crime



Attorney General Matt Denn announces plans to increase use of the state's Criminal Nuisance Abatement law.

Attorney General Matt Denn announced Thursday that an initiative to partner with law enforcement agencies to accelerate use of the state's Criminal Nuisance Abatement statute has shown significant results, including a substantial increase in the number of legal actions taken against properties where criminal nuisances have been occurring.

A total of 38 nuisance properties have been addressed over the last year. Nine formal actions against alleged nuisance properties have been filed in the last twelve months, a dramatic increase in the pace of court filings. The other 29 properties were addressed with actions short of court filings, including written agreements with property owners to take steps to prevent criminal activity.

Criminal nuisances include drug activity, illegal firearm activity, violent crime, and prostitution. Although the majority of the properties against which formal actions have been filed are located in the City of Wilmington, the state has also filed formal actions against properties in the cities of New Castle and Greenwood and in unincorporated New Castle County.

“The state’s Criminal Nuisance Abatement statute is a powerful tool for state and local officials to target properties that are central points for crime in their neighborhoods,” Attorney General Denn said. “But the statute demands – as it should – that the government compile a substantial amount of evidence in order to take action against an alleged nuisance property. The fact that we have been able to heighten our efforts in this area is a tribute to the law enforcement agencies that have worked with us to compile the facts, and to a number of attorneys and staff in our office who have dedicated time on top of their normal job responsibilities to be part of this effort.”

The properties that have been the subjects of formal complaints in the past twelve months include:

- 2312 Carter Street in Wilmington. In March, DOJ filed a complaint alleging that illegal drug sales and other violent crimes (including a shooting) had occurred at this row home in Wilmington. The case was resolved in May with the property owner agreeing to ban specific tenants from the property, screen all new tenants for criminal histories, and to hang a sign on the property notifying the public that particular individuals were not permitted on the property.
- 837 North Spruce Street in Wilmington. In August, DOJ filed a complaint alleging that the property was a focus of drug sales in the area, and that the Wilmington Police Department had been called to the property 88 times since 2011. The case was resolved in September by agreement of the owner/landlord

of the property. The court order requires, among other things, that the landlord evict all current tenants from the property and not rent it to anyone who has lived there at any time since 2012, to specifically ban particular individuals from being on the property, bring the property into compliance with city code before allowing anyone else to move in, not to rent the property to persons with a felony criminal record for a period of five years, and have a 'crime free' clause be part of any lease for the property.

- 2614 Thatcher Street in Wilmington. In August, DOJ filed a complaint alleging that the property had been a center for drug activity in its neighborhood for years, with some of the activity involving the property owner's adult daughter. The property's owner has signed an agreement with DOJ which prohibits her daughter from being on the premises, prevents the owner from renting it to convicted felons for a period of five years, and requires her to sell the property if additional criminal nuisance activity occurs.

- 910 Clifford Brown Walk in Wilmington. In April, DOJ entered into a consent agreement with the owner of 910 Clifford Brown Walk to resolve a Complaint that was filed against that property in December, 2015. The Complaint alleged that the property was a center of drug dealing in the community, and also listed a litany of violent activities that had been committed by persons residing in the residence, in or around the residence. The order entered in April banned specific individuals from the property and a specified zone around the property, and prohibited the property owner from renting the property to convicted felons for a period of five years.

- 39 Holden Drive in in the Rambleton Acres development of suburban New Castle County (just across Route 273 from an elementary school). Last month, DOJ filed a complaint alleging that the New Castle County Police have been called to this property 34 times since 2013, primarily for complaints involving drug dealing. The New Castle County Police have made

multiple arrests at the property arising from drug activity. The complaint is currently in litigation in the Delaware Superior Court.

- 118 Unity Lane in Greenwood, Delaware. Last month, DOJ filed a complaint against this property, which is completely encompassed by trees and thick foliage. The complaint alleges that Unity Lane itself is riddled with potholes that were intentionally created by drug dealers to make it difficult for law enforcement officials to respond to calls on that street in a timely way. The complaint alleges that wiretaps established by the Delaware State Police prove that the property, which is in an area known as "The Hole," has been regularly used for the sale of cocaine. The complaint is currently in litigation in the Delaware Superior Court.

- 2101 North Pine Street in Wilmington. In April, DOJ filed a complaint alleging that this property is a residence for multiple violent criminals, and that the Wilmington Police Department has been called to the property 47 times since 2012. Both guns and drugs have been found at the property. After unsuccessful efforts to persuade the property owner to agree to voluntarily abate the nuisance activity, this case is proceeding through the Superior Court process.

- 1107 Washington Street in New Castle. In May, DOJ filed a complaint documenting the fact that drug activity and prostitution were occurring at this property, located in a densely populated area of New Castle close to a number of schools and churches. The property owner has failed to respond to the Complaint, and the state has a motion pending before the Court for a default judgment that will find that a criminal nuisance has occurred and order that it be abated.

- The Gold Club (1031 South Market Street in Wilmington). Last November, DOJ filed a formal complaint against The Gold Club, located on South Market Street in Wilmington. The Gold Club had been the location of a number of shootings, and had

required the Delaware State Police to respond to 237 calls since January 3, 2012. The case was resolved in May, with a court-approved agreement between DOJ and the property owner that the property would be closed, would not be reopened by any business in which the current property owner had an interest, and could only be reopened without the court's permission if it was sold to a new owner.

Even in cases where no formal action is filed, contact from the Department of Justice can be extremely effective in abating criminal nuisance activity usually with property owners agreeing to evict tenants or make changes.

Earlier this year, the Department of Justice informed the owner of a Milford commercial property leased to a bar known as Longshot Sports Bar and Billiards that it intended to file an action against the property based on criminal nuisance activity occurring there on a regular basis. The property owner evicted the bar. After the bar's eviction, the Milford Police Department reported that it had enjoyed its first weekend in two years without a call from the property.

On top of the 38 properties addressed above, another 44 properties are currently being evaluated for potential criminal nuisance action, and 31 have been investigated but determined not to be appropriate for criminal nuisance enforcement.

The increased use of the Criminal Nuisance Abatement statute has been made possible by a heightened level of cooperation with local law enforcement agencies, upon whom DOJ relies to compile much of the evidence needed to prepare these actions, the dedication of a casual seasonal investigator at DOJ to focus exclusively on this issue, and the willingness of a number of DOJ attorneys to volunteer to work on an internal task force to prepare these actions in addition to their other job responsibilities. The DOJ effort is led by Deputy Attorneys General A.J. Roop and Greg Strong. For parcels

within the City of Wilmington, the initiative is a partnership with the Crime and Blight Task Force formed by several agencies within the city.

The nuisance abatement statute was created by the General Assembly in 2000 to specifically address drug crimes, and expanded by the legislature in 2011 at the request of former Attorney General Beau Biden to cover other types of crime as well, with a specific focus on gun crimes. "We are very grateful that Senator Patricia Blevins, Representative Helene Keeley, Representative J.J. Johnson, and Attorney General Biden had the foresight in 2011 to expand this important tool for stabilizing neighborhoods afflicted by crime, and we are committed to making good use of it," said Attorney General Denn.

"Too often we see just a handful of nuisance properties having a devastating impact on entire communities," Sen. Blevins, who was the lead sponsor of Senate Bill 65 in 2011, said. "I'm pleased to see the Department of Justice is using the statute we updated to reduce crime by aggressively targeting places that exist as safe havens for drugs and other criminal activity."

"Our neighborhoods have been dragged down by these drug houses," said Rep. Helene Keeley, D-Wilmington South. "Ridding our communities of them is critical to restoring safety and pride to the neighborhoods. This law has allowed us to fight drug dealers at another level, by taking away their base of operations. I'm thankful for the diligence of the Department of Justice in tackling these nuisance properties."

"I heard from residents constantly about this issue at nearly every civic association meeting. Residents felt like they were being held hostage by these properties," said Rep. JJ Johnson, D-Jefferson Farms. "It brings down their quality of life and makes their neighborhoods more dangerous. People look to their elected officials and law enforcement to protect them from

these types of nuisance properties, and that's what we have been doing, one property at a time."

Citizens who wish to have the Department of Justice investigate a potential criminal nuisance property should call (302) 577-5093.